

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ROBERT HARRINGTON, et al., )  
)  
Plaintiffs ) Civil Action No.  
v. ) 04-12558-NMG  
)  
DELTA AIR LINES, INC., et al., )  
)  
Defendants. )  
)

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**MOTION OF AIR TRANSPORT ASSOCIATION OF AMERICA, INC. TO  
DISMISS THE COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

Air Transport Association of America, Inc. (“ATA”), by its attorneys, hereby moves to dismiss the Plaintiffs’ Complaint, Jury Claim and Request for Class Certification (the “Complaint”) for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2). As grounds for its motion, ATA states that this Court lacks personal jurisdiction over ATA under the Massachusetts long-arm statute and the Due Process Clause of the United States Constitution. In support of this Motion, ATA submits a Memorandum of Law and the Affidavit of David A. Berg.

WHEREFORE, ATA respectfully requests that the Complaint be dismissed as to ATA pursuant to Fed. R. Civ. P. 12(b)(2), and for such other and further relief as this Courts deems just and proper.

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify that counsel for ATA attempted in good faith to resolve the issues presented in this Motion with counsel for the Plaintiffs but was unable to do so.

Matthew Porter  
Matthew A. Porter  
January 31, 2005